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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

A.J.P. and A.M.P., minors, by and
through their guardian *ad litem*
Cynthia Nunez, individually and as
successor in interest to Albert Perez,
deceased; and PATRICIA RUIZ,
individually,

Plaintiffs,

vs.

COUNTY OF SAN BERNARDINO;
CORY MCCARTHY; ANDREW
POLLOCK; DAVID MOORE; and
CHRISTINA OLIVAS,

Defendants.

Case No. 5:22-cv-01291-SSS-SHK
Hon. Sunshine S. Sykes

**[PROPOSED] ORDER APPROVING
EX PARTE APPLICATION FOR
COMPROMISES OF CLAIMS OF
COMPROMISE OF THE CLAIMS OF
MINOR PLAINTIFFS A.J.P., A.M.P.
THROUGH THEIR GUARDIAN AD
LITEM CYNTHIA NUNEZ**

[PROPOSED] ORDER

This Court, having considered Cynthia Nunez's Unopposed *Ex Parte* Application for Compromise of the Claims of A.J.P., a minor, and A.M.P., a minor, and GOOD CAUSE appearing therefore, hereby **GRANTS** the Application and makes the following orders:

1. The settlement of minor plaintiff A.J.P.'s action against Defendant County of San Bernardino in the net amount of \$1,031,346.07 is hereby approved. The settlement of minor plaintiff A.M.P.'s action against the Defendant County of San Bernardino in the net amount of \$1,031,346.07 is also hereby approved. Defendants, through counsel, shall prepare and deliver the drafts for the gross settlement proceeds in the amount of \$4,750,000 no later than 21 days from the date of this Order, payable as follows:

- a. Within 21 days of the signing of this Order, Defendant County of San Bernardino will purchase a structured annuity for the minor Plaintiff A.M.P. in the amount of \$1,031,346.07 from MetLife Tower Resources Group, Inc. ("hereinafter referred to as "Assignee"), which will provide periodic payments to be made by Metropolitan Life Insurance Company (hereinafter referred to as "Annuity Carrier") rated A+ Class XV by A.M. Best Company (*See* "Exhibit A" to the Declaration of Shannon J. Leap).
- b. Within 21 days of the signing of this Order, Defendant County of San Bernardino will purchase a structured annuity for the minor Plaintiff A.J.P. in the amount of \$1,031,346.07 from Assignee, which will provide periodic payments to be made by Annuity Carrier rated A+ Class XV by A.M. Best Company (*See* "Exhibit A" to the Declaration of Shannon J. Leap).
- e. Within 21 days of the signing of this Order, a draft for \$2,687,307.86 shall be made payable to the "Law Offices of Dale K. Galipo, Client

1 Trust Account.” These funds shall be used to satisfy the attorneys’ fees
2 and costs owed by the Minor Plaintiffs to Plaintiffs’ counsel, as well as
3 the gross settlement proceeds allocated to Patricia Ruiz.

4 2. Annuity Carrier(s) shall provide periodic payments in accordance with
5 “Exhibit A” to the Declaration of Shannon J. Leap and as set forth in the table
6 below.

7 3. All sums and periodic payments set forth in the section entitled
8 Payments constitute damages on account of personal injuries or illness, arising from
9 an occurrence, within the meaning of Section 104(a)(2) of the Internal Revenue
10 Code of 1986, as amended.

11 4. Disbursement drafts will be made payable and will begin being issued
12 directly to A.M.P. upon reaching the age of maturity according to the payment
13 schedule. Disbursement drafts will also be made payable and will begin being
14 issued directly to A.J.P. upon reaching the age of maturity according to the payment
15 schedule.

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Periodic Payments to Minor Plaintiff A.M.P.**Annual Payment for Four (4) Years—Guaranteed Tax Free**

\$40,000.00

Beginning 06/19/2027, through 06/19/2030

Lump Sum Payment—Guaranteed Tax Free

\$75,000.00

Guaranteed on 06/19/2031

Lump Sum Payment—Guaranteed Tax Free

\$100,000.00

Guaranteed on 06/19/2033

Lump Sum Payment—Guaranteed Tax Free

\$150,000.00

Guaranteed on 06/19/2035

Lump Sum Payment—Guaranteed Tax Free

\$320,000.00

Guaranteed on 06/19/2037

Lump Sum Payment—Guaranteed Tax Free

\$1,012,225.08

Guaranteed on 06/19/2039

Periodic Payments to Minor Plaintiff A.J.P.**Annual Payment for Four (7) Years—Guaranteed Tax Free**

\$50,000.00

Beginning 05/03/2031, through 05/03/2037

Lump Sum Payment—Guaranteed Tax Free

\$300,000.00

Guaranteed on 05/03/2038

Lump Sum Payment—Guaranteed Tax Free

\$750,000.00

Guaranteed on 05/03/2043

Lump Sum Payment—Guaranteed Tax Free

\$979,537.12

Guaranteed on 05/03/2048

1 7. Defendant will make a “qualified assignment” within the meaning of
2 Section 130(c), of the Internal Revenue code of 1986, as amended, to Assignee(s),
3 of the Defendant’s liability to make the periodic payments as described above and in
4 “Exhibit A” to the Declaration of Shannon J. Leap. Such assignment, if made, shall
5 be accepted by Plaintiffs without right of rejection and shall completely release and
6 discharge Defendant from such obligations hereunder as are assigned to
7 Assignee(s). This includes that Defendant shall execute a Qualified Assignment
8 document.

9 8. Defendant and/or Assignee(s) shall have the right to fund its liability to
10 make periodic payments by purchasing a “qualified funding asset,” within the
11 meaning of Section 130(d) of the Code, in the form of an annuity policy from the
12 Annuity Carrier(s).

13 9. The Assignee(s) shall be the owner of the annuity policy or policies,
14 and shall have all rights of ownership.

15 10. The Assignee(s) may have Annuity Carrier(s) mail payments directly to
16 A.J.P. and A.M.P. when they respectively reach the age of majority, as set forth
17 above. Cynthia Nunez (until A.J.P. and A.M.P. reach the age of majority) and then
18 A.J.P. and A.M.P., shall be responsible for maintaining the currency of the proper
19 mailing addresses and mortality information to Assignee(s).

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21 **IT IS SO ORDERED.**

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24 Dated: _____, 2024

Honorable Sunshine S. Sykes
United States District Court
Central District of California